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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Attorney Docket No.
CROSS1490

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Julie H. Blackard
Signature

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Typed or Printed Name

Application No.	Filed:
10/064,080	**06/10/2002**
First Named Inventor: **Stephen G. Dale**	
Art Unit **2155**	Examiner **Hamza, Faruk**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ **Attorney or agent of record.**
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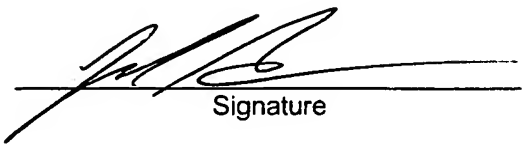
Registration No. _____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4-19-06
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below*.

☐ *Total of _____ forms are submitted.

REASONS FOR REVIEW

In a Final Office Action dated January 19, 2006 (the "January 19 Final Office Action"), the Examiner rejected Claims 1-19 and 22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,725,272 issued to Susai et al. ("Susai"). Applicant respectfully submits that the Examiner made a clear error in relying on Susai as an anticipatory reference as Susai clearly fails to disclose or teach several claim limitations.

The claims of the present application address storing and providing inquiry data corresponding to a target device. As discussed in the July 15, 2005 "Reply to Office Action Dated 4/15/05" (the "July 15 Reply") on pages 8-9, inquiry data is not simply data stored on a device, but is data corresponding to the target device (i.e., data about the target device) and an inquiry command or a request for inquiry data is a request for the data corresponding to the target device. Embodiments of the present invention include systems and methods that provide for caching of inquiry data so that the inquiry data can be served from the cache (e.g., by a router) if, for example, the target device is busy and cannot respond to the request.

Claims 1 and 22

Claim 1 recites:

> A method of using a router to cache inquiry data corresponding to a target device in a network having a plurality of client devices, the method comprising:
> storing inquiry data corresponding to a target device in a cache memory;
> receiving a request for the inquiry data corresponding to the target device;
> reading the inquiry data from the cache memory; and
> providing the inquiry data corresponding to the target device in response to the request.

The recited invention, according to Claim 1, performs the steps of "storing inquiry data corresponding to a target device", "receiving a request for the inquiry data", "reading the inquiry data from the cache memory" and "providing the inquiry data corresponding to the target device." Claim 22 includes similar recitations. Thus, when a request for inquiry data corresponding to a target device is received, the request can be serviced from cache memory rather than forwarded to the target device.

Susai has nothing to do with caching inquiry data corresponding target devices that can served in response to requests for the inquiry data. Instead, Susai deals with redirecting requests to an on-hold server that, much like a telephone on-hold system, serves arbitrary content until the request can be serviced by the target of the request.

The Examiner cites Fig. 2, column 4, lines 16-33; and column 5, line 66 through column 6, line 17 as showing each of the claim limitations. *See*, January 19 Final Office Action, pages 3-4. FIGURE 2 simply shows a network diagram. *See*, Susai, FIGURE 2. Column 4, lines 16-33 of Susai states:

> FIG. 2 is a network context diagram for an interface unit 202 and an on-hold server(s) 204 according to a preferred embodiment of the present invention. In a preferred embodiment, interface unit 202 is an intelligent network interface card with a CPU inside a server. Interface unit 202 can also be intelligent box sitting outside the server, in which case it can serve more than one server. Interface unit 202 can also be a load balancer, bandwidth manager firewall, proxy-cache, router, switch, computer system, or any other network device that is located between a client and server. In theory, on-hold server 204 represents the world's largest web site. **Users (via clients) are temporarily redirected to on-hold server 204 when their requested server is too busy to accommodate their page requests.** On-hold server(s) 204 may be physically located within interface unit 202, may be an independent server directly connected to interface unit 202 or may be an independent server located anywhere on the Internet.

This portion of Susai simply discusses redirecting a request to an on-hold server, but does not teach or suggest "storing inquiry data corresponding to a target device", "receiving a request for the inquiry data", "reading the inquiry data from the cache memory" or "providing the inquiry data corresponding to the target device."

Column 5, line 66-col. 6, line 17 states:

> Interface unit 202 puts the client on-hold, as shown in step 310, and as more fully described with respect to FIG. 4A and FIG. 4B, below. While the client is on-hold there is no limit to the types of information that can be provided to the client by the present invention, including music, sports, news and so forth. It is important to note that there may be one or more on-hold servers 204 utilized by the present invention that the client may be directed to. In the case of having multiple on-hold servers 204 to chose from, the present invention may use various factors in determining which on-hold server 204 to direct the client to. These factors may include such things as client IP address, type of request and on-hold server 204 load. Hence, on-hold service may be a distributed service. An on-hold portal by definition

should relinquish control to the request controller. This control switching is initiated by client-side intelligence (Java Applets/Scripts), interface memory (where the interface remembers the held requests) and on-hold server 204 initiated re-direction. The re-direction can be at the IP level or at the HTTP level.

Again, this portion of Susai simply discusses redirecting a request to an on-hold sever that serves content while a request is on-hold. There is no teaching of "storing inquiry data corresponding to a target device", "receiving a request for the inquiry data" or "reading the inquiry data from the cache memory" or "providing the inquiry data corresponding to the target device" as i) the data stored by the on-hold server is arbitrary content and not the content that is the subject of the request and ii) the data stored by the on-hold server is not inquiry data corresponding to the target device.

Indeed, Susai teaches away from responding to a request for inquiry data with inquiry data stored in a cache. In Susai, when a client request is ready to be taken off on-hold, the interface unit of Susai "translates the client request and passes it **to the requested server**." *See*, Susai, col. 5, lines 25-27 (emphasis added). Consequently, it is the target server for the request that actually provides the requested data.

Susai, thus, teaches a system in which an interface unit 202 can receive a request for data from a target server. If the target server is busy, interface unit 202 can redirect the request to an on-hold server that serves arbitrary content until the target server is available it is otherwise determined that the request should be taken off on-hold. When it is determined that the request should be taken off on-hold, the request is forwarded to the target server for servicing. There is no teaching or suggestion that either the interface unit or on-hold server perform any of "storing inquiry data corresponding to a target device", "receiving a request for the inquiry data", "reading the inquiry data from the cache memory" or "providing the inquiry data corresponding to the target device."

Claim 11

Claim 11 recites:

> A device comprising:
> a router configured to route data between one or more hosts and one or more target devices; and
> a cache memory coupled to the router;
> wherein the router is configured to store inquiry data received from the one or more target devices and to provide at least a portion of the stored

> inquiry data in response to a request for inquiry data corresponding to one of the target devices that is busy.

Thus, according to Claim 11, the router stores inquiry data from one or more target devices and provides inquiry data in response to a request for inquiry data corresponding to a target device that is busy. Again, this allows a request for inquiry data corresponding to a target device to be serviced by the router rather than the target device.

The Examiner cites column 4, lines 16-33 and column 5, line 66 through column 6, line 41 as disclosing "a router storing inquiry data." *See,* January 19, Final Office Action, page 7. Column 4, lines 16-33 simply describe that "users are temporarily redirected to on-hold server 204 when their requested server is too busy." *See*, Susai, column 4, lines 26-27. Again, according to Susai, a user request is simply put on on-hold. There is nothing in Susai that teaches or suggests a router that stores inquiry data corresponds to a target device and responds to requests for inquiry data using the stored inquiry data.

Column 5, line 66 through column 6, line 41 also does not teach a router "configured to store inquiry data received from the one or more target devices and to provide at least a portion of the stored inquiry data in response to a request for inquiry data corresponding to one of the target devices that is busy" and, in fact, teaches the opposite. This section of Susai teaches that an interface unit puts the client on-hold. *See*, Susai, column 5, lines 66-67. While the client is on-hold, information can be provided to the client such as music, sports, news and so forth. *See,* id, column 6, lines 1-4. When a client request is ready to be taken off on-hold, the interface unit of Susai "translates the client request and passes it **to the requested server**." *See*, id. column 6, lines 25-27 (emphasis added). Thus, if a requested server is busy, the system of Susai puts the request on-hold and provides arbitrary content to the client until the request can be serviced. When the request is taken off on-hold, the request is forwarded to the requested server such that the requested server provides the requested data. Susai simply does not "provide at least a portion of the stored inquiry data in response to a request for inquiry data corresponding to one of the target devices that is busy" as recited in Claim 11.